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~~TOP SECRET//COMINT//TALENT KEYHOLE//NOFORN//20291123~~

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

7 June 2006

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 March 2006 were unlawful or contrary to Executive Order or Presidential Directive, and thus required to be reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by means of inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

JOEL F. BRENNER
Inspector General

ROBERT L. DEITZ
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

This Memorandum is Unclassified Upon Removal of Enclosure

DERIVED FROM: NSA/CSSPM 1-52
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~~TOP SECRET//COMINT//TALENT KEY HOLE//NOFORN//20291123~~

1. (U) INSPECTOR GENERAL ACTIVITIES

a. ~~(C//SI)~~ During this quarter, the Office of Inspector General (OIG) reviewed various intelligence activities of the National Security Agency/Central Security Service (NSA/CSS) to determine whether they were conducted in accordance with applicable statutes, Executive Orders (E.O.s), Attorney General (AG) procedures, and Department of Defense (DoD) and internal directives. With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

b. (U//~~FOUO~~) NSA OIG inspectors completed an inspection of the [redacted] (b)(3)-P.L. 86-36 [redacted] on 31 March 2006. The intelligence oversight program was found in good order.

c. (U//~~FOUO~~) Stemming from the NSA OIG special study of the access to Signals Intelligence (SIGINT) by [redacted] a review of possible E.O. 12333 infractions in areas unrelated to NSA/CSS was conducted (report dated 28 February 2006). There were no E.O. 12333 violations or improper management in [redacted] action related to the review.

d. ~~(S)~~ Last quarter, we reported alleged misuse of a SIGINT Database by a [redacted] employee (report dated 28 February2006). The (b)(1) (b)(3)-P.L. 86-36 incident has been referred to the [redacted] OIG for action as deemed appropriate.

e. (U//~~FOUO~~) The special study of the NSA/CSS [redacted] (b)(3)-P.L. 86-36 [redacted] revealed deficient training accountability (report dated 22 August 2005). The [redacted] has instituted a formal tracking and follow-up system to ensure training compliance.

f. ~~(S//SI//NF)~~ In the second quarter of fiscal year 2005 (report dated 17 May 2005), we reported the misuse of the U.S. SIGINT System. An NSA/CSS OIG investigation revealed that an NSA employee had misused the SIGINT system by conducting unauthorized electronic surveillance of a non-U.S. person abroad for no legitimate foreign intelligence purpose. The matter has been referred to the NSA/CSS Office of the General Counsel, for consideration of referral to the Department of Justice.

g. (U//~~FOUO~~) As reported in the fourth quarter fiscal year 2004 (report dated 29 November 2004), inspectors from [redacted] (b)(3)-P.L. 86-36 [redacted] (b)(3)-P.L. 86-36

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(b)(3)-P.L. 86-36

 (b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

[redacted] and the NSA OIG conducted a joint inspection of the [redacted] Action has been completed to rectify the weaknesses in their intelligence oversight program documentation.

h. ~~(S//SI)~~ The OIG reported an investigation of unintentional collection of a U.S. person in the first quarter fiscal year 2004 (see report dated 17 March 2004). From [redacted] NSA Signals Intelligence Directorate (SID) targeted the communications of a U.S. person located abroad without the required AG authorization. As a result of the OIG finding of shortcomings in the control environment, OIG recommendations for improvement have been implemented. (b)(1) (b)(3)-P.L. 86-36

2. (U) GENERAL COUNSEL ACTIVITIES

~~(C//SI)~~ The NSA/CSS OGC reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, EOs, AG procedures, and DoD and internal directives. The OGC advised Agency elements on a number of questions, including the collection and dissemination of communications of, or concerning U.S. persons; the reporting of possible violations of federal criminal law contained in SIGINT product; the testing of electronic equipment, and the applicability of the Foreign Intelligence Surveillance Act (FISA). With few exceptions, the issues presented were routine and indicated that the operating elements understand the restrictions on NSA/CSS activities.

3. (U) SIGINT ACTIVITIES

a. ~~(S//SI)~~ Collection Against U.S. Persons

(b)(1)
(b)(3)-P.L. 86-36

(1) (U) Intentional

a. ~~(TS//SI)~~ During this quarter, the Director, NSA/Chief Central Security Service (DIRNSA/CHCSS) granted approval for consensual collection against [redacted] U.S. persons. DIRNSA/CHCSS also approved non-consensual collection of [redacted] U.S. companies openly owned and controlled by foreign governments, [redacted] U.S. persons known to be agents of a foreign power, [redacted] U.S. citizens taken hostage by [redacted], [redacted] U.S. citizens involved in [redacted] and [redacted] U.S. citizen who escaped from [redacted]. DIRNSA/CHCSS-approved consensual collection against [redacted] U.S. persons was routinely terminated this quarter.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

b. ~~(S//SI)~~ The AG granted authority to collect the communications of [redacted] U.S. persons overseas during this quarter.

(2) (U) Unintentional

a. ~~(S//SI//NF)~~ This quarter, there were [redacted] instances in which analysts inadvertently collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking. All of the incidents were reported to responsible oversight officials, and corrective actions were taken.

b. ~~(S//SI)~~ NSA/CSS analysts discovered that a [redacted] tasked [redacted] telephone numbers that served U. S. persons. The numbers, approved for tasking in [redacted] were removed from tasking on [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

b. (U//~~FOUO~~) Dissemination of U.S. Identities

(b)(1)
(b)(3)-P.L. 86-36

(1) (U) Intentional

(a) ~~(S//SI)~~ In accordance with section 7 of United States Signals Intelligence Directive (USSID) SP0018, U.S. identities were disseminated [redacted] times during this quarter. The following table shows the justification and the number of instances of dissemination. In the "Unmasked by Analyst" column, the U.S. identity was revealed in a serialized end product; in the "Unmasked at User Request" column, a U.S. identity was released to a user at the user's request.

JUSTIFICATION	Unmasked by Analyst	Unmasked at User Request	TOTAL
7.2.c Necessary			
7.2.c.1 Foreign Official			
7.2.c.3 International Narcotics			
7.2.c.4 Criminal Activity			
7.2.c.7 U.S. Government Official			
TOTAL			

(b)(1)
(b)(3)-P.L. 86-36

(b) ~~(S//SI)~~ While pursuing a foreign target, the [redacted] address that contained transmissions of child pornography. Because of suspected criminal activity, the incident is under review by the NSA/CSS OGC for a referral determination.

(b)(1)
(b)(3)-P.L. 86-36

(2) (U) Unintentional

a. ~~(S//SI)~~ During this quarter, [redacted] SIGINT products were cancelled because they contained the identities of U.S. persons, organizations, or entities. In all instances, the reports were either not reissued or were reissued with the proper minimization.

b. ~~(TS//SI//NF)~~ An incident involving the verbal dissemination of the names of [redacted] U.S. persons occurred during a meeting between NSA and [redacted] to NSA [redacted] No written notes were taken during the meeting, and the [redacted] were instructed to disregard and not share the U.S. person information.

(b)(1)
(b)(3)-P.L. 86-36

c. ~~(S//SI)~~ Through telephone communications to and from [redacted] information was collected and disseminated on [redacted] U.S. persons. The collection, which occurred between [redacted] was destroyed on [redacted] Training was conducted and procedures were developed to meet the information need without violating U.S. person privacy.

d. ~~(TS//SI//TK//REL)~~ [redacted] unknowingly posted [redacted] U.S. telephone numbers on a classified [redacted] Once identified, the data was removed from the portal. Research indicated that of the [redacted] events reported during the above timeframe, [redacted] telephone numbers from [redacted] were not properly minimized by an [redacted]

(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36

(3) (U) Raw Traffic Dissemination — SIGINT Production Chain

~~(S//SI)~~ [redacted]

(b)(1)
(b)(3)-P.L. 86-36

[redacted] The SID ensures that the personnel are trained by the OGC on NSA/CSS's legal restrictions and on proper handling and dissemination of SIGINT data [redacted] Such persons working in or with SID during this quarter included representatives of the [redacted]

(b)(3)-P.L. 86-36

4. (U) Other Activities

(b)(1)
(b)(3)-P.L. 86-36

a. (U//~~FOUO~~) Unauthorized Access

~~(TS//SI//NF)~~ With the assistance of the NSA OGC, a [redacted] web site was made compliant with intelligence oversight authorities by restricting raw SIGINT access to authorized users. [redacted] users outside of the SIGINT production chain had access to the web site, which contained metadata [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

b. (U//~~FOUO~~) FISA Incidents (b)(3)-P.L. 86-36

(1) ~~(TS//SI//NF)~~ While collecting an FISA Court-authorized target [redacted] an NSA/CSS analyst accessed personal data on U.S. persons. The incidental collection immediately stopped when the error was discovered [redacted] The collected data was removed from the [redacted] and the [redacted] database. [redacted]

(2) ~~(TS//SI//NF)~~ [redacted] instances of unintentional collection of U.S. persons occurred during this quarter [redacted] In all cases

(b)(1)
(b)(3)-P.L. 86-36

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

the collection was deleted, and there were no reports issued as a result of the collection.

(3) ~~(TS//SI//NF)~~ [redacted] routinely seen in [redacted] were inadvertently collected [redacted] Software in place [redacted] was modified, tested and verified to recognize all data fields to correct the problem.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

(4) ~~(TS//SI//NF)~~ Unaware that a targeted foreign [redacted] kept the targeted person on coverage [redacted] The Office had not been monitoring the collection on a regular basis and did not notice that [redacted] The number was removed from the FISA Court order on [redacted] after the error was discovered. However, because the [redacted] was also on coverage, the telephone number was then added to another FISA order and the collection was not destroyed.

(b)(1)
(b)(3)-P.L. 86-36

d. (U) Assistance to Law Enforcement

~~(S//SI)~~ During this quarter, the SID responded to [redacted] requests for linguistic support and [redacted] for technical assistance from [redacted] Technical support was also provided once to [redacted] respectively.

e. (U) Working Aids

(1) (U//~~FOUO~~) The SID Office of Oversight and Compliance maintains "U.S. Identities in SIGINT" and a matrix of dissemination authorities on its web page for use by the NSA/CSS Enterprise. The E.O., NSA/CSS Policy Number 1-23, DoD Regulation 5240.1-R, and USSID SP0018 are also available on-line.

(2) ~~(S//SI)~~ NSA/CSS Georgia developed an intelligence oversight operating instruction that addresses roles, responsibilities, raw traffic database access and reporting, and developed a working aid to assist with [redacted] requests.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)